

construction costs against any Indian-owned lands within any Government irrigation project is hereby deferred, and no assessments shall be made on behalf of such charges against such lands until the Indian title thereto shall have been extinguished, and any construction assessments heretofore levied against such lands in accordance with the provisions of section 386 of this title, and uncollected, are hereby canceled: *Provided further*, That the Secretary shall report such adjustments and eliminations to the Congress not later than sixty calendar days following the end of the fiscal year in which they are made: *Provided further*, That any proceedings hereunder shall not be effective until approved by Congress unless Congress shall have failed to act favorably or unfavorably thereon by concurrent resolution within ninety calendar days after the filing of said report, in which case they shall become effective at the termination of the said ninety calendar days: *Provided further*, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section.

(July 1, 1932, ch. 369, 47 Stat. 564; Pub. L. 97-375, title II, §208(a), Dec. 21, 1982, 96 Stat. 1824; Pub. L. 104-42, title II, §207, Nov. 2, 1995, 109 Stat. 364.)

AMENDMENTS

1995—Pub. L. 104-42 inserted before period at end “: *Provided further*, That the Secretary shall adjust or eliminate charges, defer collection of construction costs, and make no assessment on behalf of such charges for beneficiaries that hold leases on Hawaiian home lands, to the same extent as is permitted for individual Indians or tribes of Indians under this section”.

1982—Pub. L. 97-375, §208(a)(1), substituted “That the Secretary shall report such adjustments and eliminations to the Congress not later than sixty calendar days following the end of the fiscal year in which they are made” for “That a report shall be made to Congress annually, on the first Monday in December, showing adjustments so made during the preceding fiscal year” in second proviso.

Pub. L. 97-375, §208(a)(2), substituted “ninety calendar days” for “sixty legislative days” wherever appearing.

§ 387. Omitted

CODIFICATION

Section, which related to basis of apportionment of costs of irrigation projects was from the Interior Department Appropriation Act, 1946, July 3, 1945, ch. 262, 59 Stat. 328, and was not repeated in the Interior Department Appropriation Act of 1947, act July 1, 1946, ch. 529, 60 Stat. 348. Similar provisions were contained in the following prior appropriation acts:

June 28, 1944, ch. 298, 58 Stat. 474.
 July 12, 1943, ch. 219, 57 Stat. 461.
 July 2, 1942, ch. 473, 56 Stat. 518.
 June 28, 1941, ch. 259, 55 Stat. 317.
 June 18, 1940, ch. 395, 54 Stat. 419.
 May 10, 1939, ch. 119, 53 Stat. 700.
 May 9, 1938, ch. 187, 52 Stat. 304.
 Aug. 9, 1937, ch. 570, 50 Stat. 577.
 June 22, 1936, ch. 691, 49 Stat. 1769.
 May 9, 1935, ch. 101, 49 Stat. 186.
 Mar. 2, 1934, ch. 38, 48 Stat. 370.
 Feb. 17, 1933, ch. 98, 47 Stat. 829.
 Apr. 22, 1932, ch. 125, 47 Stat. 100.

Feb. 14, 1931, ch. 187, 46 Stat. 1126.
 May 14, 1930, ch. 273, 46 Stat. 290.
 Mar. 4, 1929, ch. 705, 45 Stat. 1573.
 Mar. 7, 1928, ch. 137, 45 Stat. 210.

§ 388. Claims for damages; settlement by agreement

The Secretary of the Interior is authorized to pay out of funds available for the Indian irrigation projects for damages caused to owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation works of such projects and which may be compromised by agreement between the claimant and the Secretary of the Interior or such officers as he may designate: *Provided*, That the total of any such claims authorized to be settled as herein contemplated shall not exceed 5 per centum of the funds available for the project under which such claims arise during any one fiscal year.

(Feb. 20, 1929, ch. 279, 45 Stat. 1252.)

§ 389. Investigation and adjustment of irrigation charges on lands within projects on Indian reservations

The Secretary of the Interior is authorized and directed to cause an investigation to be made to determine whether the owners of non-Indian lands under Indian irrigation projects and under projects where the United States has purchased water rights for Indians are unable to pay irrigation charges, including construction, maintenance, and operating charges, because of inability to operate such lands profitably by reason of lack of fertility of the soil, inadequacy of water supply, defects of irrigation works, or for any other causes. Where the Secretary finds that said landowners are unable to make payment due to the existence of such causes, he may adjust, defer, or cancel such charges, in whole or in part, as the facts and conditions warrant. In adjusting or deferring any such charges the Secretary may enter into contracts with said landowners for the payment of past due charges, but such contracts shall not extend the payment of such charges over a period in excess of ten years.

(June 22, 1936, ch. 692, §1, 49 Stat. 1803.)

FLATHEAD INDIAN IRRIGATION PROJECT

Act July 26, 1947, ch. 340, 61 Stat. 494, provided that notwithstanding any provisions of sections 389 to 389e of this title, the Secretary of the Interior could defer the collection of irrigation construction charges on the Flathead Indian Irrigation Project until January 1, 1949.

FORT PECK INDIAN IRRIGATION PROJECT

In accordance with sections 389 to 389e of this title, the order of the Secretary of the Interior canceling delinquent irrigation operation and maintenance charges of \$461.40 and accrued interest thereon for certain lands adjacent to but outside the Fort Peck Indian irrigation project, \$206,902.21 against lands within the Fort Peck project, and \$118,266.64 of unassessed construction costs allocable against both Indian and non-Indian owned lands in the Fraiser-Wolf Point unit of the Fort Peck project, was approved by Pub. L. 90-143, Nov. 16, 1967, 81 Stat. 465.